



**United States Department of the Interior
Bureau of Land Management**



**Environmental Assessment: AZ(UT) 110-2005-0016
Special Recreation Permit: AZ(UT) 010-2005-04**

Finding of No Significant Impact and Decision Record

Project Title: Rhino Rally Competitive Motorcycle Race EA.

Location: Arizona Strip/St. George Field Offices

***Applicant/Address: Wizards Motorcycle Club
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Arizona Strip/St. George Field Offices

Finding of No Significant Impact/Decision Record Determination

INTRODUCTION:

The Bureau of Land Management (BLM), Arizona Strip and St. George Field Offices, has conducted an environmental analysis (EA No. AZ(UT) 110-2005-0016) to evaluate a request to issue a Special Recreation Use Permit to continue to conduct a competitive motorcycle race and associated events: The Rhino Rally on public lands in Mohave County, Arizona and Washington County, Utah. The proposed activity has been an approved use occurring yearly for over twenty years and authorized by issuing Special Recreation Permits yearly per CFR 43 - 8372 and 2930.

The EA considered two alternatives: The Proposed Action and the No Action Alternative. The Proposed Action Alternative is the preferred Alternative for this action.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and no action alternatives have been reviewed and found to be in conformance with the following BLM plans and associated Record of Decision(s):

The Arizona Strip District Resource Management Plan (RMP), January 1992, states that BLM will continue allowing the Rhino Rally, but restrict it to roads and washes and limit the event to 300 entrants (Shivwits Resource Area Implementation Plan For the Arizona Strip District Approved Resource Management Plan (SRAIP) decisions OH02, RR01):

OH-02: Allow the annual Rhino Rally motorcycle race, but restrict it primarily to roads and washes and limit event to 300 entrants.

RR-01: Continue authorizing the organized recreational events now occurring on the Resource Area.

It also states that recreation permits will be issued to the extent that their cumulative impacts are consistent with the overall objectives of the RMP and in the public interest as determined through the NEPA process (RR02):

RR-02: Evaluate requests for additional recreation permits through the National Environmental Policy Act process and for their consistency with management goals and objectives and process on a case-by-case basis.

This proposal addresses the need to accommodate this popular motorized OHV recreational use of Bureau of Land Management (BLM) administered public lands in Washington County, Utah and Mohave County, Arizona; while protecting sensitive natural and cultural resources. This would be accomplished by continuing to implement decision (OH02) in the Shivwits Resource Area Implementation Plan for the Approved 1992 Arizona Strip Resource Management Plan.

This event is also considered in the St. George Field Office Resource Management Plan (March 1999) under section OV-09: "BLM will continue to work with OHV sponsors and organizations to authorize competitive events, commercial touring, and organized rides on a case-by-case basis subject to site specific analysis. Limited administrative capabilities in BLM and the need to provide for critical resource protection and site rehabilitation will restrict the number of large

competitive events (up to 300 participants) authorized on public lands. Collaboration with adjacent BLM units on the Arizona Strip will be encouraged to allow joint management or sponsorship of such events, increase options for alternative route selection, and provide for yearly rotation of established routes for large events to promote rehabilitation and reduce long-term cumulative impacts. Limitations on the number of participants and spectators to all competitive events will be applied where warranted based on design of the competition site capabilities."

The Proposed Action is in conformance with management decisions addressing recreation uses, including motorized vehicle uses from the applicable BLM land use plans.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Proposed Arizona Strip District and Final RMP/FEIS (1990), and the St. George Field Office Proposed RMP/FEIS (1998). Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context:

The project is a site-specific action directly involving the use of approximately 400 acres of BLM administered land that by itself does not have international, national, regional, or state-wide importance. These acres are areas that have existing disturbance previous to the proposed use by the Wizards for their Rhino Rally Race: they generally are existing former staging areas, roads, trails, or washes.

Intensity:

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

1. Impacts may be both beneficial and adverse:

None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Proposed Arizona Strip District and Final RMP/FEIS (1990), and the St. George Field Office Proposed RMP/FEIS (1998).

The Rhino Rally has become one of the most desirable of a series of competitive motorcycle events called "desert races" that are held in the state of Utah. It is sponsored by the Wizard's and is sanctioned by the Utah Sportsmen Riders Association (USRA) as one of a series of similar events where points may be earned toward yearly awards. Awards are earned in various classes depending on age of the rider, type of motorcycle, size of the motorcycle, skill level of the participant, and gender of the participant.

The need for the action would be to satisfy public demands for this type of competitive motorized OHV event, which must rely on the public lands in order to get a sufficiently large geographical area of undeveloped lands for use. Because of the increased population growth and urbanization in the St. George Basin, demands for use areas have increased beyond the available local supply and are reaching farther and farther onto public lands.

This proposal would provide for a legitimate recreation use of public lands, through granting of a long term SRP to the Wizards to sponsor the annual Rhino Rally Competitive Motorcycle Event and satisfy public demands for this type of competitive motorized OHV event.

While motorized OHV use is a legally authorized recreation activity on many acres of public lands, certain settings are inappropriate for such activities, due to administrative or congressional special designations; unacceptable impacts on sensitive resources or values; or effects on other recreational users.

Adverse effects of the Preferred Alternative would include temporary minor or insubstantial impacts to air quality, soils, vegetation, wildlife, transportation routes, noise, and other recreation users, and permanent minor or insubstantial impacts to wash bottoms, vegetation, wildlife, land use, heritage resources, and other values.

2. The degree to which the selected alternative will affect public health or safety:

The mitigating measures listed below provide for the care and service of injured riders in the race, notification of local law enforcement agencies, providing for sanitation facilities and removal of waste generated by participants and spectators, and provisions for notifying the public of upcoming event:

Event sponsors shall provide emergency medical and rescue capabilities. Permittee will arrange for an ambulance service to be on-site at the main pit location for the duration of all competitive events. Permittee will notify local law enforcement agencies of the event, these agencies will include: Mohave County sheriff, Washington County Sheriff, State Park Officials, at least 30 days prior to the event.

Permittee will ensure that self-contained sanitation facilities and trash receptacles are provided and maintained at the pit/staging areas and any spectator areas and removed within seven days of completion of race

Permittee will post informational notices through-out the area used for the race course and on routes used to access the area, informing the public of the up-coming event date and time and informing them their access may be limited on race day. Notices will be posted at least 15 days prior to the event.

Permittee will post "Road Closed" & "Race in Progress" signs on all major access roads leading to the race routes on race day and "staff" those as necessary to maintain a safe environment for the public and the contestants.

Permittee will adequately sign the pit and staging areas for spectator parking, law enforcement parking, BLM parking, pit row, sign-up area and race headquarters.

If a private helicopter is present a "Safety Pad" will be clearly "roped-off" and will be kept well clear of vehicle parking and contestants.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas:

There are no park lands, farmlands, wetlands, wilderness, or wild and scenic rivers, in the area proposed for these events.

The historic and cultural resources of the area have been considered and potential impacts mitigated in the design of the proposed action through avoidance of those areas known to contain cultural resources. None of these resources would be significantly impacted because of the

nature of the selected routes which consist of existing roads, trails, and dry washes. Any cultural resources that might have been there have been removed or already destroyed by the development of the roads and trails or by forces of nature in the case of the wash bottoms. All the roads used for this event were in existence prior to the authorization of this event.

A designated trail, constructed specifically for OHV travel and called the Fort Pearce Ridge Trail, would be used for the Rhino Rally. This trail prevents OHV access and travel in the riparian zone of Fort Pearce Wash and does not traverse habitat for any federally listed threatened or endangered plants or animals.

The Little Black Mountain ACEC has a protective fence constructed to provide protection to the cultural values known to be located at this area.

The Fort Pierce ACEC which contains habitat for the *Pediocatus sileri*, has a wide wash (I-15 Wash) which has been used in the past as a route for the race. The route has been determined by BLM biologists to have no effect on the cactus or its habitat as long as the participants stay in the bottom of the wash. The BLM and the permittee intend to have monitors in the area to ensure compliance on the part of the participants to keep them in the wash bottom.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial:

The nature of the Preferred Alternative is controversial. The BLM is required to ensure the lands it manages are preserved and conserved for future generations, and to manage these lands to protect soils, wildlife, water quality, native vegetation, air quality, heritage resources and other resources. As urban growth encroaches on wild lands, the urban – wild land interface is impacted more and more. Over the last several decades the interface area around the St. George Basin has increasingly relied on public lands to provide both wild lands and motorized recreational opportunities. The public can be somewhat polarized when it comes to mixing hiking, biking, equestrian activities, and camping with a motorcycle race. Generally most recreational users don't like to share their space with a motorcycle race unless they are participating in the race as a participant or spectator.

Public input regarding the Proposed Action has been solicited during a thirty day review period of the draft Environmental Assessment (EA) for the issuing of the Special Recreation Permit (SRP) for the Rhino Rally Competitive Motorcycle Race. A Notice of Availability (NOA) letter was sent out to various members of the public and organizations to inform them about the availability of the EA and SRP. This information was also posted on the Arizona Strip Field Office's official web site on the internet. Section 5.2.1 of the EA lists the comments received by this office and our response to them.

The response to the EA was generally either for or against the race. Those for the race appreciated the opportunity to continue a recreational activity that has been losing ground to development and opposition to their activities on public lands. Those against allowing the race cited environmental concerns as reasons for not allowing this kind of activity to continue.

Motorized off road vehicle use conflicts with some users who resent the impacts associated with inappropriate off road vehicle use. They see unauthorized use of these vehicles going cross country, creating new trails, damaging vegetation, soils, and impacting wildlife habitat, and possibly cultural resources. They also resent the noise and dust plumes created by a host of motorized equipment out on the roads. These users probably equate the Rhino Rally Race with the unauthorized and unregulated users who cause damages to the public lands. They don't want to see their "pristine and irreplaceable lands" destroyed by motorcycles. They feel: "These types of activities are incompatible with the beauty and fragility of the land through which they travel and encourage even more such activity."

The Rhino Rally Race is and has been a legitimate and regulated activity which has been limited by the BLM as to the areas they can use. The Rhino Rally Race has been limited to using existing roads and trails, and dry wash bottoms for the last twenty or so years that they have run their races. Their routes have been subject to an inter-disciplinary review to prevent unnecessary or undue damages to known existing resources.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks:

The project is not unique or unusual. The BLM has 20 years of experience with this event in particular. The BLM has implemented similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The actions considered in the Preferred Alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the direct, indirect, and cumulative effects of the preferred alternative and all other alternatives is described in Chapter 4 of the EA.

The Preferred Alternative neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about future considerations.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership:

The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. Any adverse impacts identified for the preferred alternative, in conjunction with any adverse impacts of other past, present or reasonably foreseeable future actions will result in negligible impacts to natural and cultural resources.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:

The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list:

The primary threatened or endangered plant species of concern relative to the Rhino Rally event are the threatened Siler pincushion cactus and the endangered dwarf bear-claw poppy. Routes where racers could come into contact with special status plants have been eliminated from the course. As a result, BLM has determined that the Preferred Alternative would have no affect on Siler pincushion cactus or dwarf bear-claw poppy. No other threatened, endangered, or sensitive

plants would be affected in this area because these species are not found along any of the routes proposed for the race course.

BLM previously determined that there would be an increase in siltation in surrounding watersheds following the race event, but that this siltation would be un-measurable and would be impossible to distinguish from background levels. The effects determination of not likely to adversely affect Woundfin minnow, Virgin River chub, and Virgin spinedace was made by BLM biologists. The U.S. Fish and Wildlife Service concurred with this determination (AESO/SE 2-21-02-I-270).

BLM has determined that there would be no affect to bald eagles or California condors from implementation of the Preferred Alternative. No other threatened, endangered, or sensitive species would be affected in this area.

10. Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements:

The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.

DECISION:

It is my decision to authorize issuing a Special Recreation Use Permit {AZ (UT) – 010 – 2005 – 004} to the Wizards Motorcycle Club for the purpose of conducting their proposed competitive motorcycle race events called the Rhino Rally. This decision is contingent on their fulfilling applicable environmental commitments, including mitigating measures listed as Stipulations in Appendix A of the EA {AZ (UT) 110 – 2005 – 0016}. The routes available for their use are shown in the Final Attachment A (Map) for the Rhino Rally Competitive Motorcycle Event, SRP AZ(UT)-010-2005-004, dated March 24, 2005.

I have decided to withdraw from use a portion of the proposed routes from the system of routes that would be available for the Wizards to use as part of the races. The proposed section of route is located in Sections 4, 5, 8, and 9, of Township 40 North, Range 10 West. My decision to withdraw this section is based on: An on the ground review of the area in question, which was done last year, by our Arizona Strip District Recreation - Wilderness Team Leader, he could find no signs of previous use in the area of the proposed routes. We do not believe that it would be appropriate to allow use of these proposed routes under these circumstances.

Authorities:

The authority for this decision is contained in the Federal Land Policy Act, the Land and Water Conservation Act, the Sentencing Reform Act, and the 43 Code of Federal Regulations Part 2930 - Permits For Recreation On Public Lands.

Compliance and Monitoring:

Potential resource conflicts were resolved through environmental commitments integral to the proposed action and monitoring stipulations which are described in the EA, and which are incorporated by reference in the FONSI/DR.

Terms / Conditions / Stipulations:

The following stipulations are included for the Proposed Action. In addition to these stipulations the terms included on the Special Recreation Application and Permit (Form 2930-1) will apply. The permit may be modified by the Authorized Officer at any time including modification of the

amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or because of noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP are appealable.

1. This permit does not authorize any activity on lands other than Public Lands administered by the Bureau of Land Management, Arizona Strip Field Office and St. George Field Office. Any use of routes on lands other than Public Lands will require the permittee to acquire authorization for their use from the owners of those lands.
2. The permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to the BLM upon request for analysis by qualified representatives of BLM and other Federal agencies authorized to review BLM's permitting activities.
3. A Special Recreation Permit does not grant the permittee exclusive use of the public lands involved. The permittee remains subject to all valid existing rights and applicable Federal, State and local laws and regulations.
4. The permittee will submit the proposed course route and staging area map and Global Positioning System data for each subsequent annual race 180 days prior to the proposed scheduled or tentative date for that event. At that time, the permittee will advise BLM of any changed circumstances or new information that warrants consideration during the approval process for that proposed upcoming event. BLM will advise Permittee of any changed land status which could impact their Proposal.
5. The Permittee will get prior approval for any course route or staging area changes and supply GPS data to verify location of routes.
6. The permittee will be required to keep participants on the established course. Permittee will disqualify racers who do not follow BLM stipulations. Permittee will be responsible for marking the course and boundaries of pit/staging area to the satisfaction of the authorized officer (BLM). Painting of rocks or placing other permanent markers and improvements is not allowed. While marking the course, permittee will identify potential short-cutting and road widening areas and place boulders, signs or monitors in order to prevent this from occurring during the event.
7. Closed areas will be clearly marked and enforced by race sponsors.
8. Refueling and non-emergency servicing of vehicles will be restricted to the pit/staging area and any authorized checkpoints. It is prohibited to dispose of fuel, oil or similar substances on the ground or in drainages. If prohibited disposal occurs the permittee will be responsible for removing all contaminated soil to the satisfaction of the Authorized Officer. (What about The permittee will require provide an adequate supply of containers for any waste or excess petroleum products to store and remove the excess products. Permittee will collect any un-claimed fuel from gas stops in fuel safe containers to assure they will be disposed of properly. as described in the EA?) The permittee will provide for the removal of those containers and any contaminated soil from Public Lands to a certified waste disposal facility.
9. Permittee will ensure that self-contained sanitation facilities and trash receptacles are provided and maintained at the pit/staging areas and any spectator areas and removed within seven days of completion of race.
10. Vehicles are restricted to the designated course and pit area or existing roads and trails. No cross-country travel will be permitted. Violators will be disqualified from the event and could face citation by BLM or other law enforcement authorities.

11. Representatives of the event sponsor shall wear readily identifiable clothing to allow easy recognition by event participants, BLM and personnel from other agencies.
12. Permittee will furnish personnel at all gates or fence crossings without cattle guards and immediately return them to their prior closed/open state to prevent livestock from straying. Where trail improvements (specifically OHV cattle guards) are temporarily moved just "off-course" to avoid damage and/or injury to the contestants, they will be re-installed immediately after the event.
13. Event sponsors shall provide emergency medical and rescue capabilities. Permittee will arrange for an ambulance service to be on-site at the main pit location for the duration of all competitive events. Permittee will notify local law enforcement agencies of the event, these agencies will include: Mohave County sheriff, Washington County Sheriff, State Park Officials, at least 30 days prior to the event.
14. Permittee will notify and obtain permits and/or license(s), where required, from all State, County, city governments and private landowners having jurisdiction, concern or interest. Notices would give adequate advance notification, but would not be less than two weeks.
15. Permittee will take all reasonable measures to protect resources including, but not limited to: (1) Ensuring that commonly used roads remain, or are returned to, the same general condition as before the event, (2) making every reasonable effort to prevent course widening and deviation and (3) not creating conditions encouraging increased use in sensitive areas.
16. Any private vendors conducting business in association with this event must obtain a recreation vendor permit from BLM prior to the event.
17. In the event the authorized officer determines that road and soil conditions are such that running the event could cause significant or irreparable damage, he/she may cancel or postpone the event. This determination may be made any time prior to the start of the event.
18. Permittee will provide adequate measures to ensure contestants adhere to the designated route through the Ft. Pearce ACEC and minimize impacts to the route surface by limiting speed and passing on this portion of the course.
19. Permittee will provide to the Authorized Officer: photographs of the start area, staging area and the "5-mile" marked locations, along the course both before and after the event to document impact levels.
20. Permittee will have "Release Waivers" holding the BLM harmless, signed by all contestants and submitted with the permittees contestant list.
21. Permittee will post informational notices through-out the area used for the race course and on routes used to access the area, informing the public of the up-coming event date and time and informing them their access may be limited on race day. Notices will be posted at least 15 days prior to the event.
22. Permittee will post "Road Closed" & "Race in Progress" signs on all major access roads leading to the race routes on race day and "staff" those as necessary to maintain a safe environment for the contestants.
23. Permittee will adequately sign the pit and staging areas for spectator parking, law enforcement parking, BLM parking, pit row, sign-up area and race headquarters.

24. If a private helicopter is present a "Safety Pad" will be clearly "roped-off" and will be kept well clear of vehicle parking and contestants.
25. The Permittee will inform spectators entering the staging area that if they are not contestants or event representatives that they will leave their ATVs and motorcycles loaded up or they could be cited by BLM Rangers. The permittee will inform contestants about any sensitive resource issues related to current trail use and practices. i.e.: "Tread Lightly" and "Right Rider" principles.
26. The permittee is required to remove all waste and debris from the pit/staging site within 24 hours of the event. All course markers shall be removed within 15 days, weather permitting. Inclement weather may delay clean-up efforts to avoid adverse impacts. Permittee may petition BLM for clean-up period extension if weather conditions warrant a delay.
27. Permittee will be given the choice to repair or pay for repair of any roads, resources or property damaged beyond what is considered normal wear and tear, as a direct result of this event.
28. Special Recreation Permit fees for this event must be paid in full within 30 days of the close of the event. The full amount will include any payments made prior to the event.
29. The permittee will, within 30 days after the event, complete the Post-Use Report and return it, balance of fees to BLM, and maps and GPS data for routes and staging areas used. A copy of the main event race entrant sign-up sheet will be attached.
30. The permittee will perform any recovery operations necessary to maintain the designated Ft. Pearce Ridge Trail section used for the event, as it was prior to the event.
31. Any filming/photography of permitted hunting activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income."
32. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
33. The SRP does not give permission to cross over or use any private lands during the event. The permittee will be fully responsible for all trespass on and/or damage to private land which results from the conduct of the event.
34. A Special Recreation Permit authorizes special uses of the public lands and related public waters, and should circumstances warrant, the permit may be modified by the BLM

at any time, including the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) or noncompliance with permit stipulations. (Actions by the BLM to suspend or terminate a SRP can be appealed (43 CFR Part 4). A notice of appeal must be filed with the officer who made the decision within thirty days of the date of the date of publication or date of service [4.441(a)]. No extension of time will be granted for filing the notice of appeal [4.41(c)].

35. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
36. Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACEC's), designated wilderness areas, and wilderness study areas as well as the use restrictions that apply, and complying with those use restrictions.
37. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible.
38. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after the expiration of the permit.
39. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season. This report will be used to determine if additional fees are required of the permittee based upon total permitted use.
40. The permittee must submit a Post Use Report to the Authorized Officer for every year the permit is in effect. If the Post Use Report is not received by the established deadline, the permit will be suspended and or fines assessed.
41. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.
42. Harassment of livestock, wildlife or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
43. The permittee will practice proper precautions for preventing noxious weed spread. Therefore all machinery (street legal motorized vehicles, non-street legal all terrain vehicles, dirt bikes, etc.) that has been used outside the Arizona Strip must be cleaned prior to use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.
44. All motor vehicle use will comply with applicable off-highway vehicle regulations.

45. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
46. Permittee shall not construct new trails, or maintain existing trails without written authorization.
47. Stakes, flagging materials, equipment or temporary facilities, if any, and all other event-related materials must be removed within two weeks after the event.
48. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.
49. Any use of routes not shown on the Final Attachment "A" (Map) for SRP AZ (UT) 010-2005-004 may be grounds for terminating the Rhino Rally Competitive Event Permit.
50. Any surface, or sub-surface archaeological, historical, or paleontological remains not covered by the CRPR discovered during preparation or actual work shall be left intact; all work in the area shall stop immediately and the Field Office Manager shall be notified. Commencement of work shall be allowed upon clearance by the Field Office Manager in consultation with the Archaeologist.
51. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement, or continuation of the project.
52. If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Field Office Manager. The proponent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.

Alternatives Considered:

The EA considered two alternatives: The No Action Alternative and the Proposed Action, which is the alternative requested by the Wizards.

Rationale for Decision:

The Proposed Action was selected because the action is in conformance with the Arizona Strip Resource Management Plan (1992) and St. George Field Office Resource Management Plan (March 1999) and includes mitigation measures and special recreation permit stipulations to protect resources.

The No Action alternative was not selected because it would deny a Special Recreation Permit to the Wizards Motorcycle Club and would not authorize an acceptable use of public lands which is compatible with established use objectives in each Field Office's RMP. It is also an activity they have participated in for over twenty years without significant environmental impacts.

Appeals Language:

This decision is effective upon the date it is signed by the authorized officer. As stated in the regulations CFR 2930 the provisions of 43 CFR 4.21(a) do not apply, and the decision shall remain effective pending appeal unless the Board determines otherwise. Within 30 days of receipt of the decision, an appeal must be filed to: Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203. A copy of the notice of appeal must also be filed in these offices: Arizona Strip Field Office and the St. George Field Office 345 East Riverside Drive, St. George, Utah 84790; as well as with: Office of the Solicitor, 125 S. State Street, Suite 6201, Salt Lake City, Utah, 84138; Office of the Field Solicitor, U S Courthouse Suite 404, 401 West Washington Street SPC 44, Phoenix, AZ 85003-2151. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Arizona Strip Field Office Manager (Authorized Officer)

Date

St. George Field Office Manager (Authorized Officer)

Date

Attachments: Final Attachment "A" (Map) March 24, 2005.